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|-----------------------------------------------------------------------------------|--------------------------------|-----------------------------------------|
|  | <b>OPEN RECORDS<br/>POLICY</b> | <b>DOCUMENT TYPE:</b> POLICY            |
|                                                                                   |                                | <b>DOCUMENT NO:</b> POA-12              |
|                                                                                   |                                | <b>BOARD COMMITTEE:</b> AUDIT COMMITTEE |
|                                                                                   |                                | <b>DIVISION/DEPARTMENT:</b> Legal/RIGP  |
|                                                                                   |                                | <b>ORIGINATION DATE:</b> 09/25/2000     |
|                                                                                   |                                | <b>LAST UPDATED:</b> 07/27/2026         |

## 1.0 PURPOSE

- 1.1 To comply with KRS 61.876 (1) of the Kentucky Open Records Act which mandates that public agencies adopt rules and regulations to provide full access to public records.
- 1.2 To comply with KRS 61.872 (1) of the Kentucky Open Records Act which mandates that public agencies recognize and respond to requests from residents of the Commonwealth, as defined in KRS 61.870 (10).
- 1.3 This Policy establishes the rules and regulations for providing public examination of and access to public records at the Louisville and Jefferson County Metropolitan Sewer District (MSD).

## 2.0 SCOPE

- 2.1 The scope of this Policy applies to all MSD non-exempt public records, regardless of format or media. The records requestor is entitled to access public records not exempted from disclosure, otherwise known as public records or open records. Any exception to this policy, such as the release of exempted records will be determined on a case-by-case basis. This Policy does not apply to services and products provided by LOJIC.

## 3.0 DEFINITIONS

- 3.1 **Electronic Portal**-workflow tool to facilitate the process of open records requests submitted electronically.
- 3.2 **Resident** is defined as (1) People living or working in Kentucky; or (2) Businesses registered or located in Kentucky; or (3) People and businesses that own property in Kentucky; or (4) Authorized representatives of residents; or (5) News-gathering organizations as defined in KRS 189.635 (8)(b) 1a-e.

## 4.0 POLICY RULES AND REGULATIONS

### 4.1 Principal Office and Regular Business Hours

The principal office of MSD is located at 1600 W. Hill Street, Louisville, KY 40210. The regular office hours are Monday through Friday, 8:15 a.m. to 5:00 p.m. EST.

### 4.2 Official Custodian of Public Records

The Director of Records and IGP is designated as the official custodian of MSD's public records and shall have custody and/or control over all public records at MSD to accomplish the intent and purpose of this Policy. The official custodian's address is that of the principal office of MSD.

### 4.3 Written Application for Inspection or Copy of Public Records

A request to review and/or copy records shall be made by written application and shall contain a statement of the manner in which the applicant is a resident of the Commonwealth as defined in KRS 61.870 (10). At a minimum, the application shall also contain the applicant's legibly printed name, the applicant's signature, description of the records to be inspected, applicant's contact

information and whether the records will be used for a commercial or non-commercial purpose. The applicant may obtain a copy of MSD's Open Records Request form upon request or at MSD's official website: [www.louisvillemsd.org](http://www.louisvillemsd.org). Open records requests may be delivered by any of the following:

- (1) U.S Mail or hand-delivery to the principal office of MSD
- (2) Faxed to: (502) 540-6109 (MSD Records) or (502) 540-6499 (LOJIC Records)
- (3) [Electronic Portal via www.louisvillemsd.org](http://www.louisvillemsd.org)

Requests for public records shall be directed to the Director of Records and IGP.

#### **4.4** Commercial Purpose Use of Public Records

For all public records requested for use as a commercial purpose, MSD shall require a certified statement from the applicant stating the commercial purpose for which the open records shall be used. Further, MSD shall require the applicant to enter into a contract with MSD stating that the applicant is permitted to use the copies of open records for the stated commercial purpose for a specified fee according to the provisions of KRS 61.874(4).

#### **4.5** Inspection of Public Records

The inspection of public records shall occur during MSD's regular office hours. During inspection, the applicant is permitted to make abstracts of the public records and memoranda thereof.

To ensure that the original paper records are not damaged or altered, the MSD staff shall be responsible for making a copy or arrange for the copying of one (1) copy of all requested open records.

MSD shall not permit the removal of original public records from its offices.

#### **4.6** Fees for Copying (Electronic or Paper)

##### **a. Non-Commercial Use**

For standardized and non-standardized format, MSD may charge a reasonable fee based on the cost or reproduction, including cost of media (CD, DVD, etc.) and any mechanical processing charges for copies made of open records requested for non-commercial purposes.

For non-standardized format, MSD may recover staff costs for non-standard copies made of open records requested for non-commercial purposes.

Cost and charges shall apply in accordance with MSD's Open Records Fee Schedule.

##### **b. Commercial Use**

For open records used for commercial purposes, MSD may charge the cost of reproduction, creation, purchase or acquisition of the open public records requested including cost of media and any mechanical processing charges, plus staff costs required to produce copies of the public records.

Cost and charges shall apply in accordance with MSD's Open Records Fee Schedule as determined for commercial purpose use.

MSD may require advanced payment for fees, including the actual cost of mailing.

## **5.0 PROCEDURES AND RELATED DOCUMENTS**

- 5.1** The Policy Review Committee shall have the authority to grant final approval of internal standard operating procedures affiliated with this policy.
- 5.2** Procedures and work instructions must be developed in compliance with the Policy Development Policy, Procedures and Related Documents.
- 5.3** Related Documents include:
- 5.3.1 Public/Open Records Internal Procedures
  - 5.3.2 MSD Open Records Request Form
  - 5.3.3 Records and Information Governance Policy
  - 5.3.4 KRS 61.870-61.884.

## **6.0 LOCATION**

- 6.1** The original signed policy is on file with the MSD Secretary.
- 6.2** This Policy shall be posted for accessibility to the public on MSD's website.

## **7.0 TRAINING**

- 7.1** The Director of Records and IGP will, in conjunction with the Training and Organizational Development Department of Human Resources and the Legal Department, ensure the appropriate communications, interpretation, implementation and training of this policy. This will include an initial overview training for all MSD employees, and an initial, though more comprehensive, training for all employees who are, and who become, custodians of records (all management and program administrators).
- 7.2** All employees will be informed sixty (60) days prior to the effective date of any significant changes to Kentucky's public records statute.

## **8.0 REVIEW CYCLE**

- 8.1** This policy shall be reviewed annually unless prior to the annual review, there are changes to KRS 61.870-61.884 that would require modification of this Policy.

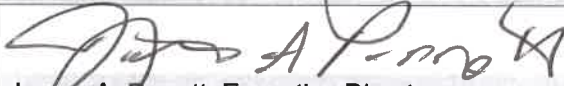
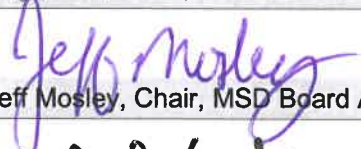
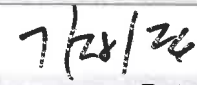
## **9.0 AUDIT**

- 9.1** The provisions of this Policy, Procedures and Related Documents are subject to audit by MSD's Internal Audit Department, as well as external, regulatory, and contract auditors.

## **10.0 HISTORY**

| <b>ORIGINATION DATE</b>       |                                                                                                             |
|-------------------------------|-------------------------------------------------------------------------------------------------------------|
| 09/25/2000                    | Original Policy                                                                                             |
| 01/24/2018                    | Open Records Policy                                                                                         |
| <b>REVIEW / REVISION DATE</b> | <b>SUMMARY OF REVISIONS</b>                                                                                 |
| 03/25/2020                    | Revised adding Training Section and updated titles                                                          |
| 2/26/2021                     | Definition of Electronic Portal in 3.0. Added Electronic Portal in section 4.3. Updated Section 7.1 and 7.2 |
| 9/8/2021                      | Revised to include legislative changes to KRS 61.872 (1) regarding residency requirements.                  |
| 07/18/2022                    | Reviewed by owner without any updates.                                                                      |
| 02/14/2024                    | Owner Updated Section 4.3 to remove LOJIC                                                                   |
| 03/27/2025                    | Owner reviewed without any changes. Updated Signatures                                                      |
| 06/04/2026                    | Owner reviewed and changed MSD's principal office address to Hill Street.                                   |

## 11.0 APPROVAL

|                                                                                   |                                                                                     |
|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
|  |  |
| Kellie Watson, Policy Owner                                                       | Date                                                                                |
|  |  |
| Carmen Moreno-Rivera, Chair, Policy Review Committee                              | Date                                                                                |
|  |  |
| James A. Parrott, Executive Director                                              | Date                                                                                |
|  |  |
| Jeff Mosley, Chair, MSD Board Audit Committee                                     | Date                                                                                |
|  |  |
| Ricky Mason, Chair, MSD Board                                                     | Date                                                                                |

**DISCLAIMER:** MSD reserves the right to review and update this policy as deemed necessary, at any time, with or without notice.

## **MSD FEE SCHEDULE FOR OPEN RECORDS**

### **Non-Commercial Fees**

Standard Paper Copies: \$0.10 per page for standard 8.5" x 11" black-and-white copies.

Color Paper Copies: \$0.25 per page (or actual cost of specialized toner/ink). Electronic Mail (Email) Delivery: \$0.00 (No charge).

Compact Disc (CD) / DVD: \$1.00 per disc (or the actual bulk purchase price of the device).

USB Flash Drive: \$8.00 per drive (or the actual bulk purchase price of the device).

Photocopies made by MSD (fee per copy):

Standard 8 1/2" x 11"; 8 1/2" x 14" (If more than 5 copies): \$0.10 per copy

Standard 11" x 17": \$1.00 per copy

Other sizes: MSD will provide quotes for cost

Document Management System produced drawings made by MSD (fee per copy):

Sewer Atlas 1" = 400' scale (11" X 17"): \$1.00 per copy

Size 8 1/2" x 11"; 8 1/2" x 14"; 11" x 17": \$1.00 per copy

Size 18" x 24"; 24" x 36"; 33" x 43": \$3.00 per copy

Other sizes: MSD will provide quotes for cost

Prints of MSD Sewer Atlas, 1" = 400' scale (11" X 17"): \$5.00 per page

Photocopies made by outside reproduction shops: MSD will provide a quote for the actual cost of reproductions.

Postage / Shipping: Actual face value of United States Postal Service (USPS) postage or shipping carrier fees.

Prepayment of postage is required prior to mailing.

No fee shall be charged for the staff time, labor, or administrative review required to search for, locate, retrieve, or redact public records for non-commercial requests.

### **Commercial Purpose Fees**

Pursuant to KRS 61.874(4), MSD imposes a separate fee schedule for all public records requested for a commercial purpose.

In accordance with KRS 61.874(4)(c), the fee for commercial requests is calculated to recover the full cost to MSD. This fee includes but is not limited to:

- 1) The actual cost of the medium used for reproduction (paper, flash drive, CD/DVD).
- 2) The cost of mechanical reproduction or processing.
- 3) The actual cost of personnel/staff time expended in searching for, retrieving, sorting, filtering, redacting, and duplicating the requested records.